IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.691 OF 2006

Girappa Dhanappa Chadchan ..Applicant.

Vs.

State of Maharashtra ..Respondent.

Mr. K.J. Patil h/for S.J. Patil for the Applicant.

Mr. Y.S. Shinde, APP for the Respondent.

CORAM : V.M. KANADE, J.

DATED : 13TH MARCH, 2006.

P.C.:

1. Heard the learned counsel for the Applicant and the learned APP for the State.

2. The learned counsel for the applicant states that the applicant was arrested in connection with the offence punishable under section 302 read with section 34 of the IPC, registered vide C.R. No. 24/ 2005 with Umdi Police Station. It is submitted that there was civil dispute between the applicant and his son and the deceased, who was residing in the adjoining house. The applicant had illegally erected a wall which has caused immense damage to the wall of the deceased. The deceased filed a civil suit in the court and had

obtained an order against the present applicant.

3. The son of the applicant had, 15 days before the incident, threatened the deceased that though the court order has been passed in his favour, he would have to abide to the directions given by the applicant. Since the deceased did not accept whatever was directed by the applicant, the applicant and his son killed the deceased. I have perused the statements of eye witnesses who have given a graphic account of the incident. It is stated that initially the son of the applicant had intercepted the motorcycle of the deceased by his bicycle. He having fell, the applicant caught the motor cycle of the deceased from behind and the son of the applicant thereafter gave blows of sickle on the head of the deceased and only after the deceased fell down; the applicant and his son ran away from the scene of the offence.

4. In my view, no case is made out for grant of bail. Chargesheet has been filed. The hearing of the trial is expedited. The application is rejected.

13.03.2006 (V.M.Kanade,J)

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